

MINUTES OF THE CITY COUNCIL

CITY OF AUSTIN, TEXAS

Regular Meeting

July 11, 1963  
10:00 A.M.

Council Chamber, City Hall

The meeting was called to order with Mayor Palmer presiding.

Roll call:

Present: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Absent: None

Present also: W. T. Williams, Jr., City Manager; Doren R. Eskew, City Attorney; Reuben Rountree, Jr., Director of Public Works; Robert A. Miles, Chief of Police

Invocation was delivered by MR. HAROLD KILPATRICK, Secretary of Council of Churches.

MR. JOHN CHAMBERS filed copies of a petition asking that the streets of PIN OAKS COURTS and the 2900 and 3000 blocks of KINNEY ROAD be fogged with an insecticide at the present time and in the future when requested by a resident of those blocks. (19 signatures) The petition was referred to the Health Officer.

MRS. BUFORD STEWART and a group appeared before the Council regarding the Southwest Recreation Center, mainly the swimming pool. She made comparisons of the facilities in North Austin and South Austin, stating North Austin had four paid pools, and they considered they had none in South Austin as Barton Springs was a nation-wide and a state-wide pool. There were two small pools in South Austin as against 17 in North Austin. She said the comparison could border on discrimination. She submitted statistics to show the growth in the south part of the City, listing the many subdivisions going in. The Recreation Director had told her the only item he was including in his budget for the coming year for the south part of the City was in Zilker Park, although he had included pools for St. John's Addition and for the Montopolis area. The Mayor thanked the group for their interest, but said he wanted it understood that every member on the Council was concerned about all parts of Austin, and he regretted anyone sectionalizing the City. He reported much of the bond money had gone into South Austin in the way of street, water and sewer improvements. He explained that Mrs. Stewart and the group would recall in 1960 when the 60 million dollar bond issue was proposed, that there was not an amount earmarked for a swimming pool, but there was

money to buy a site, and this has been purchased. He said it was also brought out there would not be any provision for a swimming pool within the five year period. When another five-year development program is proposed, money for these different projects would be considered--not only for the Recreation Department but for other departments to provide expansions and facilities. He stated the construction of a swimming pool was not a budget item but a bond item. Councilman Long stated she thought the people were entitled to the swimming pool, and there was \$800,000 from the sale of the Hancock property, which was to provide recreational projects; there will be \$35,000 budgeted for a hospital survey, and \$35,000 budgeted for a fire alarm system. She said she would like to see this pool put in this year's budget, and perhaps the pool could be built and later vote the bonds and make it retroactive. Councilman White believed they could find the money somewhere, as they always had. The Mayor asked if anyone had any suggestions, and Mrs. Stewart suggested raising the taxes, and the group joined in her suggestion. MR. BOB MEYER pointed out the growth of South Austin. This growth and the financing was discussed, as to the length of time it took subdivisions to pay for their services; and that taxes from homes do not provide the money to provide the services. Councilman Long stated the people would have to pay more money in the near future if another big bond program is issued, and she asked why not increase the tax rate a little now and get this swimming pool. The City Manager stated it was planned to provide another bond program which would not require an increase in the tax rate. MR. BUFORD STEWART inquired about St. John's Subdivision. It was stated this was a residential section about 35 to 40 years old, but came into the city limits in 1951. Another citizen stated he felt they were entitled to this swimming pool and should have it. The statistics were given, and he believed the Council could do something for them, and they would not have to wait until 1966, 1967, or 1968. He stated they were being pushed aside when they hear of how many pools were in other parts of town compared to population. It was pointed out Barton Springs was in South Austin, and should be included in the statistics. MRS. BETTY SANDERS stated her son, who could get in the Aquatic Club, would have to be taken to Northwest Pool or Bartholomew Pool every day, and it was just too far, and she asked why couldn't something be provided for the South Austin children that the North Austin children had. The Mayor inquired from Mrs. Stewart as to when the High School was to be built. Mr. Stewart stated it was tentatively scheduled for 1965. One of the group stated there was no place for the whole family to go swimming unless it was to Deep Eddy; Barton Springs was too cold. Councilman Shanks stated there had been a lack of communication where the people had misunderstood why they did not have this pool, as it could not come out of the budget. MR. MAX WHITE asked if in the five-year program through 1965 there was a plan for a pool in southwest Austin. The City Manager stated last year, this pool was scheduled for 1966; but he was not certain with other demands and requests what the year 1966 would hold, but that was scheduled in the last program. The Mayor stated the group had been told this last year. Councilman LaRue stated this was his first opportunity to get into an intersectional disturbance; that he did not come up with any intentions of representing north, south, east, or west; and he would not play favorites with any part of Austin. He said he could not accept the idea that any member of the Council, present or former, would come up here with the idea that he was going to represent any particular section. Mrs. Stewart inquired why the pool had not been included in the bond issue. The City Manager reviewed the five-year bond program in detail. The Mayor reviewed the recent growth of South Austin. He stated it would be sometime before the next bond program could be submitted and there would not be anything at all now for a swimming pool the size of this one--

one for a district park. He stated he could not tell the group or leave them with the impression that there was some way in this budget to raise \$200,000 to build the pool. The City Manager stated a criteria that is used for determining where a swimming pool is needed, is that there be 25,000 people within two miles of the location. He did not know if there were that many within two miles of Stassney Lane and Manchaca Road or not, but there probably would be in 1966; and last year, a pool was scheduled for 1966, and he was trying to finance it for this time. Councilman Shanks stated that seemed to be the answer. Mr. Meyer stated if they could have the word from the Council and Mr. Williams that this would be done in 1966, they would help pass the bond issue. Councilman Long stated when the school was built in 1965, the City should participate with the schools in building a large swimming pool part of it indoors. The City Manager stated the plans called for a pool that would be enclosed in the winter and open in the summer. Inquiry was made if it would be completed in 1965. The Mayor stated he did not think the schools intended to complete the building in 1965-- that would take two years. Mr. Max White thanked the Council for the hearing, if it would give them a pool by 1966. MRS. ALFRED TAYLOR stated it had been indicated there was a possibility within the budget that this pool could be planned and asked if this were going to be discussed. Councilman Long stated she would discuss it. Councilman White stated he was not going to forget it; that if they wanted something bad enough they would get it. He asked Mrs. Stewart and the group to come down when the budget was filed and study it. Former Councilman TED THOMPSON inquired of Councilman Long if she said she would recommend an increase in taxes generally over the City to provide this pool in South Austin. She said it could be done, and that she might recommend that; but she thought it could be found in the present budget.

MAYOR PALMER stated there was quite a lot of concern about the hospital beds in Austin, and that the Council had several meetings with the Hospital Administrators and Boards and representatives of the hospitals in Austin regarding a community survey. He read a letter from the President of the Travis County Medical Society, stating the Board of Directors of the Travis County Medical Society endorsed unanimously the recommendation of the Community Council of Austin and Travis County that the City of Austin engage a professionally--competent firm to conduct a comprehensive survey of the health and medical needs, both current and projected, of the community of Austin, and that funds for the survey be made available from the City of Austin. Further, the Board recommended that arrangements for subject survey be made at the earliest possible date. The Mayor stated similar letters from the Medical Staff of St. Davids, and letters from all of the hospitals urging that a survey of the community needs of the City be conducted. DR. SWEARINGEN stated Austin could get into a very critical situation, as there is a 500 bed shortage city-wide, and said there was a need for a long range plan. He said it was necessary to know what the needs would be for the next 25 years and what to do with the aged citizens who are poorly cared for in the nursing homes; that Austin being a capitol city did not receive any funds from philanthropists; for hospital purposes; and it was necessary to know whether or not the City should be in the hospital business and how much. Councilman Shanks inquired if he were saying just enlarging the hospital would not be the answer; that it was necessary to have a projected study to see what the community was going to need in the future. Dr. Swearingen stated that was right. Councilman Long inquired if the other hospitals were unwilling to go in and make this survey, would they be unwilling to go along with the plans? Dr. Swearingen stated if

there were a real plan to work forward to, the hospitals would gradually work toward that plan, and economics would force them to work in that plan. The City Manager reviewed the stages of this study from the time several years ago when the Hospital Board of Brackenridge Hospital had asked for such a study until now when the Community Council had been asked to make the study and it had indicated it would, but they did not have the funds. He said the other hospitals had indicated with the Community Council's undertaking this study, that they would cooperate not only in providing data for the study, but would continue to cooperate among themselves in trying to utilize the study and trying to upgrade the study from year to year. He explained the reason they were unable to help finance the survey. Councilman Shanks asked if the Council could ask people to vote for hospital expansion if it did not have an intelligent survey. Dr. Swearingen said he believed intelligent advice from a survey directed by the Community Council would inform the people of the needs.

The Council discussed briefly the report on the \$1,000,000 deficit and the City Manager's pointing out it was the charity load and the amount that went into nurses and medical education, and this really was not a deficit. He explained in the medical education, if there was no program for interns, the community would have to provide full time surgeons and doctors and the cost of the education program would be no greater than using full time surgeons and doctors. He stated in the operation of Brackenridge Hospital, the only expense above what is taken in by revenue is the expense incurred in the charity and medical education.

The City Attorney asked Dr. Swearingen if he thought the other Hospital Boards would enter into a written agreement with the Community Council that in consideration of this study's being made and in consideration of funds being provided by the public generally, that in the future they would not make major expansions without giving the other hospitals an opportunity to be heard. Dr. Swearingen said they would not before a survey was made, because it was not known what the survey would show. The question of a hospital district was brought up, Dr. Swearingen stating as far as the doctors were concerned, they felt they had an extraordinary city government in Austin, and had done real well with the city government in the hospital program. MR. DAVID BARROW stated the survey should deal with the City's being in the hospital business, and the City should want to explore other methods of taking care of this expense. Former Councilman BOB ARMSTRONG, and member of St. Davids Hospital Board, stated the survey was necessary, and the City should pay for it because the matter was a community project; and if there were not St. Davids, Seton, and Holy Cross, the city would have the full burden. MAYOR PALMER stated a tremendous amount of work had been done through the Community Council, and he would like to express appreciation to the Community Council, and to urge them to move on with the survey when voted by the City Council. Councilman Long asked for another week, as she had some things she wanted to check into. Councilman White stated he agreed with Dr. Swearingen and the doctors that there were more beds needed, but he thought the scope of this was too great, and that the cost was too high. He said if the scope were cut down a lot of money could be saved. He said he would vote for the survey if it were only \$20,000, but \$40,000 was too much. The Mayor said it was not an assurance the survey would run \$35,000 as if sufficient information could be supplied, the amount would be cut down. Finally, after further general discussion, the Mayor stated this matter would be placed on the Agenda next Thursday.

The Council greeted and welcomed MR. FRANK MONTGOMERY and three boy scouts from Troop 1.

MR. PHIL SAUNDERS thanked the Council for the continued fine help it gives in the playground and Pan American Center, and for the fine leadership of Mr. Sheffield. He also was grateful for the help given by the Police Department. He said Austin was ahead in its law enforcement, and the reason it was ahead was because the Council had worked with the Police Department and other city departments in giving them support.

The Council recessed at 12:30.

RECESSED MEETING

2:30 P.M.

At 2:30 P.M. the Council resumed its business.

MAYOR PALMER read a petition with 284 signatures from citizens in Windsor Park, asking that the fire station planned for the site on Berkman Drive and Wheless Lane be constructed. The City Manager stated a site had been purchased and an engine was purchased for the station. Bonds have been sold, but the problem had been manning the station. He said the budget was to be set up where those additional firemen could be employed to man this company; and at this time, the scheduling of the opening of that station was about April 1st. The men would be employed two months prior to that. He stated bids probably would not be taken until October. He said this station would ultimately be a three unit station. The Mayor asked that MR. G. H. ROBINSON be notified that the present scheduling is that bids will be called for sometime in October.

Councilman White moved that the Minutes of the Meetings of June 27th and July 2nd, 1963, be approved. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE PERPETUALLY VACATING AND CLOSING TO PUBLIC TRAVEL A PORTION OF AN ALLEY BETWEEN WEST 32ND AND WEST 33RD STREETS AND EAST OF KING STREET; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE VACATING AND PERPETUALLY CLOSING TO PUBLIC TRAVEL THAT CERTAIN ALLEY EXTENDING FROM THE EAST LINE OF LAVACA STREET, EASTERLY TO THE WEST LINE OF COLORADO STREET, LOCALLY KNOWN AS WEST 11TH STREET ALLEY; RETAINING AN EASEMENT IN THE CITY FOR PUBLIC UTILITY PURPOSES; AND SUSPENDING THE RULE REQUIRING THE READING OF AN ORDINANCE ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman LaRue moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman LaRue moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, the Southwestern Bell Telephone Company has presented to the City Council tentative maps or plans showing the proposed construction of its underground telephone conduits in the streets in the City of Austin hereafter named

and said maps or plans have been considered by the Director of Public Works; therefore

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

THAT the Southwestern Bell Telephone Company be and the same is hereby permitted to construct its underground telephone conduits in the following streets:

- (1) An underground telephone conduit in HARTFORD ROAD, from a point 166.5 feet south of Watchhill Road northerly 218.7 feet to a point in a line 4 feet south of and parallel to the north property line of Watchhill Road, the centerline of which underground telephone conduit shall be 12 feet east of and parallel to the west property line of said HARTFORD ROAD.
- (2) An underground telephone conduit in WATCHHILL ROAD, from a point in a line 12 feet east of and parallel to the west property line of Hartford Road, westerly 151 feet, the centerline of which underground telephone conduit shall be 4 feet south of and parallel to the north property line of said WATCHHILL ROAD.

THAT the work and construction of said underground telephone conduits, including the excavation of the streets and the restoration and maintenance of said streets after said underground telephone conduits have been constructed, shall be under the supervision and direction of the City Manager and in accordance with the ordinances and regulations of the City of Austin governing such construction.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED

TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 25TH DAY OF JULY, 1963, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Anthony Street and sundry other streets)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF THE VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF; DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST

SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 25TH DAY OF JULY, 1963, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.  
(Hardy Drive)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATEMENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETERMINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERES THEREOF;

DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THERE- OF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDER- ING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 25TH DAY OF JULY, 1963, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PRO- CEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS RE- QUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDIN- ANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE. (Arroyo Seca and sundry other streets)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

Mayor Palmer introduced the following ordinance:

AN ORDINANCE APPROVING AND ADOPTING THE WRITTEN STATE- MENT AND REPORT OF THE DIRECTOR OF PUBLIC WORKS, SHOWING THE ESTIMATES OF THE TOTAL COSTS OF ALL THE IMPROVEMENTS, THE ESTIMATES OF THE COSTS PER FRONT FOOT PROPOSED TO BE ASSESSED AGAINST THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF, AND THE ESTIMATES OF VARIOUS OTHER COSTS FOR THE IMPROVING OF PORTIONS OF SUNDRY STREETS IN THE CITY OF AUSTIN, TEXAS, WITHIN THE LIMITS HEREINBELOW DESCRIBED, AND OF OTHER MATTERS RELATING THERETO; DETER- MINING AND FIXING THE PORTION OF SAID COSTS AND THE RATE THEREOF PROPOSED TO BE ASSESSED AGAINST AND PAID BY THE ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF;

DETERMINING THE NECESSITY OF LEVYING AN ASSESSMENT AGAINST SAID ABUTTING PROPERTY, AND THE REAL AND TRUE OWNERS THEREOF FOR THE PORTION OF SAID COSTS APPORTIONED TO THEM; ORDERING AND SETTING A HEARING AT 10:30 O'CLOCK A.M. ON THE 25TH DAY OF JULY, 1963, IN THE COUNCIL CHAMBER OF THE CITY HALL OF AUSTIN, TEXAS, AS THE TIME AND PLACE FOR THE HEARING OF THE REAL AND TRUE OWNERS OF SAID ABUTTING PROPERTY AND ALL OTHERS INTERESTED IN SAID ABUTTING PROPERTY OR IN ANY OF THE PROCEEDINGS AND CONTRACT CONCERNING SAID ASSESSMENTS, PROCEEDINGS AND IMPROVEMENTS; DIRECTING THE CITY MANAGER OF THE CITY OF AUSTIN, TEXAS, TO GIVE NOTICE OF SAID HEARING AS REQUIRED BY THE LAWS OF THE STATE OF TEXAS AND THE CHARTER OF THE CITY OF AUSTIN; DECLARING AND PROVIDING THAT THIS ORDINANCE SHALL TAKE EFFECT IMMEDIATELY UPON ITS PASSAGE.  
(Balcones Drive and sundry other streets)

The ordinance was read the first time and Councilman White moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the second time and Councilman White moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The ordinance was read the third time and Councilman White moved that the ordinance be finally passed. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager submitted the following:

"July 8, 1963

"W. T. Williams, Jr.  
City Manager  
Austin, Texas

"Dear Mr. Williams:

"Sealed bids were received until 11:00 A.M., Friday, July 5, 1963, at the Office of the Director of the Water and Sewer Department, for the CONSTRUCTION OF AN 8-INCH CONCRETE SEWER MAIN IN TRUMAN HEIGHTS AND LOTT AVENUE SERVICE AREA. The

bids were then publicly opened and read in the Second Floor Conference Room of the Municipal Building.

"The following is a tabulation of bids received:

<u>"FIRM</u>	<u>AMOUNT</u>	<u>WORKING DAYS</u>
H & M Construction Company	\$33,702.98	40
Superior Utilities Company	34,646.95	40
Fairey - Simons Company	40,382.10	70
F & S Construction Company	41,137.45	100
Bland Construction Company	41,515.30	75
Austin Engineering Company	41,725.00	120
Walter Schmidt Company	44,264.92	65
Ford Wehmeier Incorporated	47,533.30	80
City of Austin (estimate)	34,300.00	

"It is recommended that the Contract be awarded to the H & M Construction Company, Incorporated on their low bid of \$33,702.98 with 40 working days.

"Yours truly,  
s/ Victor R. Schmidt, Jr., Assistant  
Director Water and Sewer Department  
s/ Albert R. Davis, Director  
Water and Sewer Department"

Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 5, 1963, for the construction of an 8-inch concrete sewer main in Truman Heights and Lott Avenue Service Area; and,

WHEREAS, the bid of H & M Construction Company, in the sum of \$33,702.98, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Director of Water and Sewer Department of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of H & M Construction Company, in the sum of \$33,702.98, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with H & M Construction Company.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"July 2, 1963

"To: Mr. W. T. Williams, Jr., City Manager      Subject: Unit Substation Bids

"Bids were opened by the Purchasing Agent at 10:00 A.M., July 2, 1963, for 12,000/16,000/20,000 KVA Unit Substations described in City of Austin Specifications E-408. The bids were referred to the Electric Department for evaluation.

"The bids are tabulated below.

<u>BIDDER</u>	<u>UNIT PRICE</u>	<u>DELIVERY</u>
General Electric Company	\$73,929.00	22 weeks
Westinghouse Electric Corp.	\$72,200.00	22 weeks
Williamson Sales Co.	\$79,945.00	16 weeks
ITE Circuit Breaker Co.	\$30,737.00	26 weeks
Allis Chalmers Mfg. Co.	\$36,400.00	26 weeks
Allis Chalmers Mfg. Co.	\$83,560.00	26 weeks alternate

"All bidders quoted a firm price with net 30 days payment. All deliveries are satisfactory.

"I recommend that we accept the lowest and best bid of Westinghouse Electric Corporation, and purchase two unit substations for \$72,200.00 each to be installed during fiscal year 1964 at North Substation and Austin Dam Substation.

"From: D. C. Kinney, Dir. Elec. Utility  
s/ D. C. Kinney"

Councilman LaRue offered the following resolution and moved its adoption:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on July 2, 1963, for 12,000/16,000/20,000 KVA Unit Substations to be installed at North Substation and Austin Dam Substation; and,

WHEREAS, the unit bid of Westinghouse Electric Corporation, in the sum of \$72,200.00, was the lowest and best bid therefor, and the acceptance of such unit bid price has been recommended by the Director of Electric Utility, of the City of Austin, and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the unit bid price of Westinghouse Electric Corporation, in the sum of \$72,200.00, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Westinghouse Electric Corporation, for the purchase of two (2) Units at the said unit bid price of \$72,200.00 each.

The motion, seconded by Councilman Shanks, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager submitted the following:

"City of Austin Brackenridge Hospital Bid #B-6303

Sealed bids opened June 24, 1963 10:00 AM  
Tabulated by: W.C. Moffett Purchasing Agent

BIDDER	MAKE	NUMBER		DISCOUNT ALLOWED	NET AMOUNT BID
		UNITS	AMOUNT BID		
1. MayTag Appliance	Westinghouse	40	\$6,580.35		\$6,580.35
2. Fulford's Appliances	General Electric	40	6,150.65		\$6,150.65
3. A.W. Scott	Chrysler	40	5,805.00		5,805.00
4. Firestone Stores	Philco	40	7,276.55		7,276.55
5. Straus-Frank	Frigadaire	40	6,196.26	(1%) \$61.96	6,134.30
6. Clyde Hill T.V. & Appl.	Fedders	40	6,750.60	(1%) \$67.51	6,683.09
7. Central Texas Appliance	Fedders	40	6,699.00		6,699.00
8. Paul Davis	Fedders	40	6,953.15		6,953.15
9. Willie Kocurek	Fedders	40	7,039.40		7,039.40

"NOTE:

1. Westinghouse does not meet specifications. BTU is 11,500.
2. General Electric does not meet specifications. BTU is 9,300.
3. Chrysler does not meet specifications - is not a slide out unit. Also, dealer did not furnish brochure.
4. Philco does not meet specifications - unit bid is 230 volt. Specs call for 208.
5. Frigadaire does not meet specifications - unit is not rated by NEMA. Unit does not have exhaust feature.
6. Fedders - Unit meets specifications. Four dealers bid this unit.

Recommend low bidder on Fedders, which is Clyde Hill T.V. & Appliances.

W.T. Williams, Jr.  
City Manager"

After discussion and a report on technical evaluations, Councilman White offered the following resolution:

(RESOLUTION)

WHEREAS, bids were received by the City of Austin on June 24, 1963, for the furnishing of 40 air conditioning units to be installed in Brackenridge Hospital; and,

WHEREAS, the bid of Clyde Hill T.V. & Appliances, in the sum of \$6,683.09, was the lowest and best bid therefor, and the acceptance of such bid has been recommended by the Purchasing Agent of Brackenridge Hospital and by the City Manager; Now, Therefore,

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That the bid of Clyde Hill T.V. & Appliances, in the sum of \$6,683.09, be and the same is hereby accepted, and that W. T. Williams, Jr., City Manager of the City of Austin, be and he is hereby authorized to execute a contract, on behalf of the City, with Clyde Hill T.V. & Appliances.

The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer brought up the following ordinance for its second reading:

AN ORDINANCE PROVIDING FOR THE EXTENSION OF CERTAIN BOUNDARY LIMITS OF THE CITY OF AUSTIN AND THE ANNEXATION OF CERTAIN ADDITIONAL TERRITORY CONSISTING OF 9.15 ACRES OF LAND, SAME BEING OUT OF AND A PART OF THE THEODORE BISSELL LEAGUE, IN TRAVIS COUNTY, TEXAS; WHICH SAID ADDITIONAL TERRITORY LIES ADJACENT TO AND ADJOINS THE PRESENT BOUNDARY LIMITS OF THE CITY OF AUSTIN, IN PARTICULARS STATED IN THE ORDINANCE.  
(Southern Oaks, Section 6)

The ordinance was read the second time and Councilman White moved that the ordinance be passed to its third reading. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

Mayor Palmer introduced the following ordinance:

AN ORDINANCE ORDERING A CHANGE IN USE AND CHANGING THE USE MAPS ACCOMPANYING CHAPTER 39 OF THE AUSTIN CITY CODE OF 1954 AS FOLLOWS: (1) LOTS 2-9, BLOCK 34, AND LOT 32, BLOCK 33, THE HIGHLANDS, FROM "A" RESIDENCE DISTRICT TO "C" COMMERCIAL DISTRICT; SAID PROPERTY BEING SITUATED IN AUSTIN, TRAVIS COUNTY, TEXAS; AND SUSPENDING THE RULE REQUIRING THE READING OF ORDINANCES ON THREE SEPARATE DAYS.

The ordinance was read the first time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its second reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The ordinance was read the second time and Councilman Shanks moved that the rule be suspended and the ordinance passed to its third reading. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer

Noes: None

The ordinance was read the third time and Councilman Shanks moved that the ordinance be finally passed. The motion, seconded by Councilman White, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The Mayor announced that the ordinance had been finally passed.

The City Manager called attention to the filing of the Progress Report of the Water and Sanitary Sewer Projects.

The Council set 3:00 P.M., Thursday, July 13, for hearing the National Safety Council's Safety Report for Austin.

The City Manager reported that plans for deaerator water heaters and feed pumps for the new Unit at the Holly Street Power Station had been sent to all manufacturers, and bids could be received by the Council next Thursday at 10:00 A.M. Councilman White moved that 10:00 A.M., July 13th be approved for the date to receive the bids on the deaerator water heaters and feed pumps. The motion, seconded by Councilman Shanks, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

The City Manager stated these bids would be taken in the normal procedure that a date would be set and the bidders would submit their bids, in this case, to the Construction Engineer, Mr. Eldridge.

The City Manager stated the sets of plans and specifications were on the table in the Mayor's office for Council review: (1) for kitchen facilities in the Rathskeller in the auditorium, and (2) for the accoustical treatment of the exhibition area at the auditorium. The Mayor stated the Council wanted to acknowledge DR. PAUL BONER for his consulting services on these accoustics at the auditorium, which services were at no cost to the City.

The City Manager stated a group from the Aqua Festival had asked the Council for permission to operate concessions separate from the concessions at the Auditorium, and the Council had granted that authority so that they could get their own concessionaire and operate concessions up and down the river front. He explained the present concessionaire's contract whereby Mr. LaRocca is entitled to receive the business not only in the Auditorium, but in the surrounding grounds. The concessionaire for the Aqua Festival does not have a permit for the sale of beer, and the Aqua Festival group wants to make an exception to the contract, and let Mr. LaRocca sell the beer and the City let the Aqua Festival have whatever payments due the City from the sale of beer which would result from Mr. LaRocca's selling beer outside the building. This would also apply to snow cones, but Mr. LaRocca did not want to give up the snow cones. Councilman Long stated the City

wanted to keep the same contract with the concessionaire at the Auditorium; and if he sells anything outside, the City is entitled to its percentage. Councilman LaRue asked if it were not suggested that the City Manager work out a contract agreeable with Mr. LaRocca. The City Manager stated the inquiry was could the Aqua Festival have the money that would otherwise come to the City. The City Attorney stated the contract with Mr. LaRocca would have to be amended; otherwise, the request would amount to a gift, which the City cannot make. The Mayor stated he was under the impression the Aqua Festival group were to work this out satisfactorily with Mr. LaRocca to keep the inside of the building, but on the outside the Aqua Festival would have the concessions. The Assistant City Manager reported that this had been worked out with Mr. LaRocca, and he had given them everything except beer and snow cones. The Mayor stated the intent of the motion was that they work it out satisfactorily with Mr. LaRocca, and the City had to protect its concessionaire down there.

The City Manager stated he had a copy of a letter from Mr. Charles Dent regarding the Belo Horizonte, Brazil, program, and there were several people who were interested in this sister-city program that would take over all of the responsibilities for whatever work is involved. He said MR. JOE NEAL at the University was willing to assume the responsibility. The Mayor pointed out this program would have to be gone into very seriously, and must be a success. After discussion, Councilman LaRue moved that the Council appoint a committee of MR. JOE NEAL, MR. CHARLES DENT, MR. JOHN WASHINGTON FOSTER DULLES, and MR. CONGER POAGUE to determine what the situation is and how to handle it, and whether or not they could find enough people to pledge themselves to entertain and play hosts to the guests and report back to the Council. The motion, seconded by Councilman Long, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

Councilman Long made a report on her attendance to the Youth Conference of Attorney General Carr, stating an interesting program is being planned for the youth, and Austin will be the pilot city. In August there will be 750 young people throughout the State in Austin to figure out what the problems are and the young people will have a lot to do with deciding what is wrong and what they need. She stated Chief Miles was there, and there was a lot of enthusiasm and it was hoped the City would go in with them.

The Council greeted and welcomed MR. DAVID OLSON from the Government Department of the University of Texas.

The City Manager stated MR. IRBY CARRUTH, Superintendent of Schools, was still interested in the property east of the fish hatchery site for locating one of two schools when they have to vacate the University Junior High School site in 1966. He said the situation is becoming urgent and timing is becoming critical. The City Manager reported the Council had turned down their request on his recommendation, and his recommendation was the same. He said there were so many planned uses for the land in this area that if the City gave it up, it would be looking for land also; in fact, several uses of the tract are already being made as

there are two Little League Ball Fields operated by the Police Association, and other city uses. The City Manager said one school was planned for this area and another to be in the extreme northern part of the City to take care of the area now served by the University Junior High School. He pointed out a number of reasons why the Schools would be interested in this tract. He suggested that the City do what it could to help explore the possibilities for the sites. With the plans the Schools have now, they could get by with six or seven acres. The Mayor asked if the boundary in which they wanted a site had been nailed down. The Director of Planning outlined the area as generally south of 7th Street and between the Interregional Highway and Pedernales or Pleasant Valley Road and the area has almost no vacant land. The Mayor suggested that all keep this in mind in trying to help locate something. Mentioned was the area of Winn School with an expansion of Urban Renewal boundaries to be used, and also an area near Albert Sidney Johnston High School, but those two tracts had time or distance disadvantages.

MRS. BESSIE WALKER appeared regarding the bus service to the St. John's area. Councilman Shanks reported he had just talked to MR. MALONE, Austin Transit, Corp., and he was meeting with MR. WILLIE BARTEE to work something out.

The City Attorney made a report on a communication he received from MR. ERSSELL DUKE stating the Covenant Presbyterian Church would like to trade even its land on Balcones Drive for three acres of land the City owns, and their offer would expire July 20th at noon. The Church did put up \$4,500 in addition to the \$28,000 for 3.25 acres of land (2.889 acres deeded, plus one-half the street), which, if half the street and the \$32,500 total is considered, made the price .2296 per square foot instead of the .22 1/4 per square foot. The City Attorney recommended if the street in front of the Church's property is taken into account, then the City should take into account the street in front of its property which is a 100' street instead of a 70' street. He had no objection to taking in half of Balcones Drive. The City Attorney stated this letter made no mention of their earlier request that the property be appraised; that this was an entirely different offer, as their entire negotiations had been based upon an agreement that the City would have the same appraiser named by the Church, and that they would make an agreement based on the appraisal. The City Manager suggested a possible trade of 2.74 acres of City land based on its appraisal for the Church's 2.88 acres based on its appraisal, and an option to acquire additional property later.

The City Manager stated T V CABLE OF AUSTIN had requested a down-guy easement on property at Center Street Reservoir site, stating there would be only one guy wire on the City property, the other two on its private property. He recommended that a provision be included that this easement would be subject to cancellation in the event it would conflict with the use of the City property. Councilman White offered the following resolution and moved its adoption:

(RESOLUTION)

BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF AUSTIN:

That W. T. Williams, Jr., City Manager of the City of Austin is hereby authorized and directed to execute on behalf of the City of Austin an easement for the purpose of locating a guy wire over and across City owned property, said

easement to be located on the following described strip of land, to-wit:

A strip of land five (5.00) feet in width, being out of and a part of Lot 7, Block 2, Freewater Addition, a subdivision in the City of Austin, Travis County, Texas, of record in Book 2, page 235, Plat Records of Travis County, Texas, the centerline of said strip being more particularly described by metes and bounds as follows:

BEGINNING at a point in the south line of Lot 7, Block 2, Freewater Addition as above described, said point bearing South 60° East 103' from the southwest corner of the said Lot 7, Block 2, Freewater Addition;

THENCE, N 30° E 125 feet to the point of termination at the intersection of said centerline with the north line of a strip of land conveyed to the City of Austin by warranty deed dated October 18, 1954, said deed being of record in Volume 1543, page 291, Deed Records of Travis County, Texas.

The motion, seconded by Councilman LaRue, carried by the following vote:  
Ayes: Councilmen LaRue, Long, Shanks, White, Mayor Palmer  
Noes: None

COUNCILMAN WHITE left the Council at this time.

MR. ERSSELL DUKE appeared before the Council to discuss the land trade. The City Attorney stated he had just reported to the Council about Mr. Duke's communication regarding the offer to trade on an even basis rather than on the appraised basis, their tract on Balcones Drive for the City's three acre tract on Northland Drive. MR. DUKE stated there seemed to be 3.268 acres in his tract.

Mayor Palmer asked, if based on 2.889 acres and based on the appraised value on an even exchange, the City would deed him 2.74 acres of the City's tract, that would be an even exchange. MR. DUKE stated what the City paid Mr. Bullard should be the price of the Church property, and suggested that the Church deed the City all of its right, title and interest in its property for the City's three acres. Councilman LaRue asked if that would be 3.26 acres for three acres. Mr. Duke said his people were incensed that the City wanted to pay them less than it paid Mr. Bullard. He said money-wise, this price would be \$39,000 including the \$4,500 added. The City Attorney stated it would come to about \$30,000 using the same basis on which the City dealt with Mr. Bullard. Mr. Duke had averaged out the Bullard tract, took the average square feet, and came out with .27½ per square foot. The City Attorney pointed out that did not represent the trade with Mr. Bullard at all and explained the agreement. He said the City would be glad to pay the Church on the basis it paid Mr. Bullard, or on the basis of Mr. Legge's appraisal. The City Manager said the agreement with Mr. Bullard was not put together to arrive at a total value, but was included in the contract for partial releases. Councilman LaRue inquired if it were the feeling of the Church group that it was not interested in dealing on Mr. Legge's appraisal. Mr. Duke stated he could not consent to his value. The City Attorney stated the value placed on the tract was precisely what the Church had paid for it; and if the sale had not occurred, Mr. Legge had said he would not have appraised it for \$32,500, but he could not ignore that sale. Councilman LaRue asked if the appraisal were accepted on both pieces of property, and the City would give as much land as the Church had

money represented in its tract, if that would be satisfactory--the amount of acreage at .30 per square foot for the amount of money represented in the Church tract. Mr. Duke stated he would not do that. Councilman Shanks stated the Church had paid \$32,500 for 2.889 acres of usable land. If the City traded 2.889 acres of usable land out of its tract at its appraised price (for Church purposes only), that would be \$37,753.00 on the same amount of acres, or a difference of \$5,253. If the Church wanted three acres, at the appraised price, that would be \$39,204. Mr. Duke stated he had talked to Mr. David Barrow, Mr. Nelson Puett and Mr. Graham and all of them felt the City paid a full price on the Bullard tract. Councilman Long noted the City could not ignore the option it was giving as well as the City's giving up valuable property for valuable use. She said the City would be making a sacrifice to the Church for their having to make a sacrifice in having to relocate.

The City Attorney reported the Congregation told him it was acceptable to make the trade at the appraised values, but the title was still with the Board. The Congregation had assured him they were satisfied with the appraisal and they would pick up the difference. The City Attorney pointed out the three bid advantages the Church would have over the City. Mr. Duke asked if the City would sell the Church three acres, as the Church had an alternative site and they could let their land go until later. The Mayor asked if he wanted to purchase outright the three acres. The City Attorney reported he had told the Church people the Council had indicated it would not be thinking about selling this property except to help the Church relocate. The Mayor stated the Council was trying to work out something for the Church. Councilman LaRue asked if Mr. Duke meant to leave his property there to be condemned. Mr. Duke stated he thought they could be awarded a better price than  $.22\frac{1}{2}$ . Councilman Long inquired if he were turning the proposition down and suggesting that the City go through condemnation proceedings, and she stated the Council would rather not do that with a Church. Mr. Duke said the Church people were ready to go on another site; that they had five acres at another place at one-third the price. The City Attorney suggested that probably would be a better proposition, as the City could get a lot more than 30¢ a square foot for its land if it wanted to sell it. Councilman Long stated if Mr. Duke would request a friendly condemnation, the City might not mind going that way. Mr. Duke said they would have their experts, as he felt their property was worth more than anyone's around the neighborhood. The Mayor discussed public property and public money, and the real value of the City land. When public money is concerned, expert appraisals were made, and he understood the appraiser was acceptable to both parties. He asked if Mr. Duke would sell the property to the City for what he paid for it, since the Church had another site it could buy for about half the price. Mr. Duke replied he would not because he felt the property was worth more. The Mayor asked him what price he would be willing to take, and Mr. Duke said he would take a listing for \$40,000. He said he hoped to establish that kind of a value on it, and he thought he could get a group of people that would agree with him.

The City Attorney said he had never seen a better deal where the seller of the property ignored the astronomical best use of his own property and provided this option provision; provided for additional area of free usage; and where his natural sympathy was with the Churches, these three advantages were so phenomenal compared to what the ordinary land buyer obtains, it seems it would be an exceptionally good trade for the Church. The City Attorney explained how the appraiser arrived at his figures. Mr. Duke figured his property was worth 27¢, based on the City's trade with Mr. Bullard. The City Attorney stated that was not the trade made with Mr. Bullard.

Councilman LaRue said he would not make a decision other than what the Council had already suggested, such as the Legge appraisal.

Councilman Shanks asked Mr. Duke to correct his Board's thinking that the Council was trying to get the Church's property for less than it paid for Mr. Bullard's property. Mr. Duke said the statement should be that they felt they should get as much per square foot as the City paid Mr. Bullard. Councilman Shanks said if the trade were made, it would have to be on the basis of that contract at  $3\frac{1}{2}\%$  interest for 10 years.

Mayor Palmer stated in light of all of this conversation that had taken place the Council would get together with the Law Department and the City Manager and make a decision by July 20th. Mr. Duke said he had instructions to execute a deed to the City and all they were asking the City to do was to give the Covenant Church the three acre tract.

MAYOR PALMER announced another urgent problem concerning the WESTMINSTER MANOR construction, in that the contractors were ready to ask for a building permit. The City Manager said zoning of this property was scheduled for next week. The Council discussed the location of the building on the site in line with the development of the Missouri Pacific Boulevard. The City Manager showed the Traffic Engineer's alternate plan for the Boulevard at this location. He said the whole set-up would have to be reviewed to decide what the Council wanted to do. The Council discussed the plan, and the City Manager listed some of the possibilities that could be worked out in connection with the properties, access to the Boulevard and the State parking lot, etc.

The Council agreed to 10:00 A.M., Tuesday, July 23rd, to have the ribbon cutting ceremony for Westover Underpass.

The City Attorney stated former Councilman EDGAR PERRY, the official emissary to send greeting to Zanzibar, wanted to know if the individual Council members who met with him might want to send the clippings from the newspapers. It was suggested to get those clippings for Mr. Perry to take with him.

The Council received notice from the City Manager that the following zoning applications had been referred to the Planning Commission for recommendation and were set for public hearing before the City Council for August 15, 1963:

HOWARD D. HALLIBURTON By Miles E. Hutchens	1714 Enfield Road	From "B" Residence 1st Height & Area To "B" Residence 2nd Height & Area
JACK T. BROWN & HIRAM D. ELLIOTT By Odas Jung, Purchaser	305 East 30th Street 2911-13 San Jacinto	From "IR" Local Retail 2nd Height & Area To "C-1" Commercial 2nd Height & Area
CARL W. GOERICKE, et al By Rhea B. Merritt, Purchaser	3808-3816 Alice Avenue. 1101-1105 West 39th Street	From "A" Residence To "C" Commercial

H. C. RISCH By West and Associates	3829-3903 South 1st Street 512-518 Ben White Blvd.	From "A" Residence To "C" Commercial
SMITH PROPERTIES, INC., Owner, By Odas Jung, Purchaser	631-639 Gunter Street	From "D" Industrial 5th Height & Area To "C-1" Commercial 5th Height & Area
HAROLD S. JOHNSTON By Carl C. Hardin, Jr.	501-515 Kinney Avenue 1527-33 Barton Springs Road	From "A" Residence 1st Height and "C" Commercial 2nd Height & Area To "C" Commercial 2nd Height & Area
J. B. TANNER By Robert C. Sneed	1101-1103 Anderson Lane 7814-7816 Watson Street	From "A" Residence To "C" Commercial
MRS. C. A. SCHUTZE By Robert C. Sneed	1901-1907 Red River Street 600-604 East 19th Street	From "C" Commercial 2nd Height & Area To "C-1" Commercial 2nd Height & Area
J. C. OGLESBY and J. P. SCHNEIDER	400-404 West 30th Street 3000-02 Hemphill Park	From "A" Residence To "O" Office
WALTER BARNES By R. G. Mueller, Jr.	700 West 34th Street 3400-3404 King Street	From "O" Office To "IR" Local Retail
JOSEPHINE ALFF NENDELL ALFRED B. NOACK By Sidney Purser	1805-1809 Poquito Street	From "A" Residence To "C" Commercial
JACK C. ADAMS By John E. Allen	300-520 Anderson Lane 7900-8014 Purnell Drive 211-215 Wonsley	From "A" Residence To "C" Commercial
LAWSON RIDGEWAY By J. G. Threadgill	Tract 1: 2700-2716 Anderson Lane	From "B" Residence To "A" Residence
	Tract 2: Rear of 8016-42 Burnet Road	From "C" Commercial To "A" Residence
ANNA GARDNER By Robert C. Sneed	300 East 30th Street 3001-03 Speedway	From "B" Residence 2nd Height & Area To "C-1" Commercial 2nd Height & Area
TENNIE TAYLOR By Robert C. Sneed	1103 East 52nd Street	From "A" Residence To "C" Commercial

CAPITAL NATIONAL BANK  
TRUSTEE,  
By W. H. Bullard

Tract 1:  
Rear of 610-710 St. Johns  
7200-7324 Interregional

From "A" Residence  
1st Height & Area  
and "C" Commercial  
5th Height & Area  
To "C-1" Commercial  
5th Height & Area

Tract 2:  
404-608 St. Johns Avenue

From "A" Residence  
To "C" Commercial

W. R. NEANES  
By William J. Wellman,  
II

3911 South 1st Street  
510-514 Clarke Street

From "B" Residence  
To "O" Office

JOHN JOSEPH, ET AL  
By Sue Strein

1103-1111 Clermont  
36-38 Waller  
1106 Flores

From "A" Residence  
1st Height & Area  
and "GR" General  
Retail 2nd Height  
& Area  
To "C" Commercial 5th  
Height & Area

NELSON PUETT

1511-1515 Anderson Lane

From "IR" Local Retail  
To "C-1" Commercial

L. C. REESE and  
WOODROW WHITE

404-418 Sterzing Street

From "A" Residence  
To "C" Commercial

There being no further business, Councilman Shanks moved that the Council adjourn. The motion, seconded by Councilman LaRue, carried by the following vote:

Ayes: Councilmen LaRue, Long, Shanks, Mayor Palmer  
Noes: None  
Absent: Councilman White

The Council adjourned at 6:20 P.M., subject to the call of the Mayor.

APPROVED

*Lynda E. Palmer*  
\_\_\_\_\_  
Mayor

ATTEST:

*Bill Mosley*  
\_\_\_\_\_  
City Clerk